

ENROLLED ORDINANCE 158-99

AMEND THE DISTRICT ZONING MAP OF THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE, BY CONDITIONALLY REZONING CERTAIN LANDS ANNEXED BY THE CITY OF WAUKESHA, LOCATED IN PART OF THE SW ¼ OF SECTION 29 AND THE NW ¼ OF SECTION 32, T7N, R19E, FROM THE A-2 RURAL HOME AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL AND C-1 CONSERVANCY DISTRICTS  
(SCZ-1368A)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission after Public Hearing and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 and 59.69 of the Wisconsin State Statutes.

THE WAUKESHA COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the lands annexed by the City of Waukesha under the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, are hereby amended to conditionally rezone from the A-2 Rural Home and C-1 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts, certain lands located in part of the SW ¼ of Section 29 and the SW ¼ of Section 32, T7N, R19E, City of Waukesha, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (SCZ-1368A), subject to the following conditions:

1. The rezoning shall not become effective until certification is provided to the Staff and the Department of Natural Resources, by a registered professional engineer, that all lands intended to be filled and modified or removed from the 100-year flood plain of the Pebble Creek and the east/west tributary, and provided with compensatory storage areas which may be necessary to offset what may be lost as a result of the construction of roads or stormwater management facilities, are in fact modified or authorized.
2. Approval of a Chapter 30 Permit (Wis. Statutes) in conformance with all conditions of said permit will also be required, along with a letter of map amendment from the Federal Emergency Management Agency. The proposed open space woodlands and lands along the Pebble Creek and the tributary creek shall be set aside in common open green space, to be owned and maintained in their natural state by the homeowners in the development, unless the City of Waukesha is willing to assume the responsibility of ownership and maintenance of these corridors. No vegetative removal, with the exception of what is necessary to construct any roads, easements and stormwater management facilities and the removal of any dead vegetation or non-indigenous vegetation will be permitted within the EC Environmental Corridor District or C-1 Conservancy District.
3. Because additional design data and review is necessary, the development as related to the shoreland area, be required to comply with stormwater management and erosion control performance standards contained in Wisconsin State Administrative Rule No. NR 151 and that plans within said shoreland areas be approved by the Land Resources Division of the Waukesha County Department of Parks and Land Use in accordance with Chapter 14 of the Waukesha County Code.
4. Because it has not been determined whether or not the proposed Best Management

Practices meet standard engineering design principles or DNR technical standards related to stormwater management practices, and for lack of detailed design data and planning review necessary to make such a determination, Best Management Practices proposed for the project within the Shoreland areas will require compliance with the DNR technical standards and standard engineering design principles as determined by the Land Resources Division of the Waukesha County Department of Parks and Land Use.

5. There is active stream bank erosion which has been identified in the field by Staff and those areas shall be stabilized in accordance with Chapter 16 of the Natural Resource Conservation Services (NRCS) engineering field handbook applicable, NRCS conservation practice standards, DNR permit requirements using bioengineering methods and all such plans shall be approved by the Land Resources Division of the Waukesha County Department of Parks and Land Use as a part of the stormwater management permit process.
6. All stormwater facilities located within the shoreland areas shall either be dedicated to the City of Waukesha for continued maintenance or placed on suitable outlots with equal and undividable ownership by all of the owners within the subdivision, the condominium and apartment areas. In addition, a minimum of 15' wide maintenance easements to all stormwater facilities from public roads shall be provided for maintenance inspections and future maintenance equipment for said stormwater facilities and for maintenance of the stream banks along the entire reach of this project area and said access easements shall be shown on the outlots rather than easements on private lots. These access easements shall also provide access for future inspections by Staff or agents of the City of Waukesha or Waukesha County Department of Parks and Land Use, Land Resources Division. Further, a Maintenance Plan shall be recorded in the Waukesha County Register of Deeds Office at the time of the recording of the subdivision plat or condominium plat and prior to the construction of the apartments, and shall be developed in accordance with Waukesha County guidelines including provisions for special assessments, should the responsible party not complete the required maintenance activities as may be determined by the City of Waukesha or Waukesha County.
7. Because no seeding and re-vegetation schedules were submitted, nor were any detailed plans for construction of the development submitted, no construction shall commence until said plans are completed and submitted for review and approval by the Planning and Zoning staff and the Land Resources Division staff of the Waukesha County Department of Parks and Land Use. A seeding and re-vegetation plan and schedule shall be made a part of those plans for staff review.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the City of Waukesha Clerk.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.